

# **EXHIBIT 1**

CJ-17-2014  
Shant

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

APR - 7 2017

RICK WARREN  
COURT CLERK

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CJ-2017-2014

SOUTHERN NAZARENE UNIVERSITY, an  
Oklahoma Not for Profit Corporation,

Plaintiff,

vs.

FEDERAL INSURANCE COMPANY,

Defendant.

PETITION

COMES NOW Plaintiff, Southern Nazarene University, and for its cause of action against Defendant, Federal Insurance Company, alleges and states:

1. That Plaintiff is an Oklahoma not for profit corporation.
2. That Defendant is a foreign insurance company conducting business in the State of Oklahoma.
3. That the claims that serve as the basis of this lawsuit occurred in Oklahoma County, State of Oklahoma.
4. That venue and jurisdiction is proper with this court.
5. That on April 8, 2015, an earthquake occurred that impacted the campus of Southern Nazarene University, located in Bethany, Oklahoma.
6. That at the time of the April 8, 2015, earthquake representatives of Defendant were on the Southern Nazarene University campus and experienced the seismic activity of the earthquake.
7. That at the time of the earthquake Plaintiff was insured under a contract of insurance with Defendant (Policy No. 35971682) which included insurance coverage for damages resulting from an earthquake.
8. That a few days following the earthquake damage was discovered in Herrick Hall on the Southern Nazarene University Campus.
9. That the damage that was discovered in Herrick Hall following the earthquake did not exist prior to April 8, 2015.
10. That Plaintiff submitted an insurance claim to Defendant for the damage to Herrick Hall caused by the earthquake.

11. That all times material hereto, Plaintiff complied with the terms and conditions of the insurance contract.

12. That Defendant denied Plaintiff's insurance claim claiming the damage to Herrick Hall was not the result of any earthquake(s).

13. That Defendant owed Plaintiff the duty of good faith and fair dealing while handling Plaintiff's claim.

14. That Defendant's denial of Plaintiff's claim is in breach of the insurance contract.

15. That Defendant's investigation, handling and ultimate denial of Plaintiff's claim was conducted in such a manner that Defendant breached of the duty of good faith and fair dealing owed to Plaintiff.

16. That as a result of the Defendant's conduct, Plaintiff has incurred damages and will incur further damages, both contractual and extra-contractual.

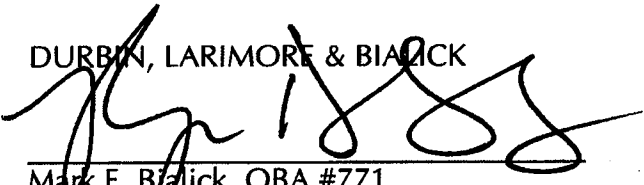
17. That Defendant's conduct was such that it amounts to at the very least reckless disregard for the rights of Plaintiff and may amount malicious and intentional acts, both of which give rise to punitive damages.

18. That a result of Defendants conduct, Plaintiff seeks damages for contractual, extra-contractual and punitive damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Southern Nazarene University, prays for damages against Defendant, Federal Insurance Company, for contractual, extra-contractual and punitive damages in an amount in excess of \$75,000.00, plus its costs, interest, attorney fees and other such relief this Court deems just and equitable.

DURBIN, LARIMORE & BIALICK

By:

  
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Attorneys for Plaintiff

**JURY TRIAL DEMANDED**  
**ATTORNEY LIEN CLAIMED**

9998.0214#17457177v1 <OKC> -2017.04-07 Petition

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
APR 24 2017  
Legal Division

SOUTHERN NAZARENE UNIVERSITY, an  
Oklahoma Not for Profit Corporation,

Plaintiff,

vs.

FEDERAL INSURANCE COMPANY,

Defendant.

CJ-2017-2014

Case No.

SUMMONS

To the above-named Defendant: Federal Insurance Company

You have been sued by the above-named Plaintiff, and you are directed to file a written Answer to the attached Petition in the Court at the above-address within twenty (20) days after service of this Summons upon you, exclusive of the day of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for the Plaintiff.

Unless you answer the Petition within the time stated, judgment will be rendered against you with costs of this action.

Issued this 7 day of April, 2017.

RICK WARREN, COURT CLERK

By:

Deputy Court Clerk

(SEAL)

Attorneys for Plaintiff:

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